

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

RYAN, LLC,

Plaintiff,

CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA, BUSINESS
ROUNDTABLE, TEXAS
ASSOCIATION OF BUSINESS,
and LONGVIEW CHAMBER OF
COMMERCE

Plaintiff-Intervenors,

v.

FEDERAL TRADE COMMISSION,

Defendant.

Civil Action No. 3:24-cv-986-E

JOINT STATUS REPORT

Plaintiff Ryan LLC; Plaintiff-Intervenors Chamber of Commerce of the United States of America, Business Roundtable, Texas Association of Business, and Longview Chamber of Commerce; and Defendant Federal Trade Commission hereby respond to the Court's July 3, 2024, order to submit a Joint Status Report including a proposed briefing schedule that will enable the Court to enter a merits disposition in this action on or before August 30, 2024.

Plaintiff, Plaintiff-Intervenors, and Defendant have conferred and agree that Defendant will not file a responsive pleading, and that Plaintiff and Plaintiff-Intervenors do not anticipate a need to amend their complaints. In addition, the parties do not believe it necessary to file statements of undisputed material facts with their summary judgment motions, and request that the Court waive that requirement, although the parties do not waive the opportunity to dispute any facts in the event of a material dispute. However, despite good-faith efforts, the parties have been unable to reach agreement on a proposed schedule for merits briefing. The parties' respective positions are set forth below.

Plaintiff/Plaintiff-Intervenors' Position: Plaintiff and Plaintiff-Intervenors propose that the parties simultaneously file their motions for summary judgment on July 26, 2024, and their opposition briefs on August 9, 2024. Defendant would file a single consolidated opposition to Plaintiff and Plaintiff-Intervenors' motions for summary judgment. The parties would not file reply briefs. This schedule best provides the parties with sufficient time to prepare their briefs and for the Court to enter its merits disposition on or before August 30, 2024. This schedule is also the most efficient for the Court. The parties' motions for summary judgment will address the same questions of law, all of which were extensively briefed at the preliminary-injunction stage. Accordingly, each party is prepared to address the

relevant arguments in their opening briefs supporting the motions for summary judgment.

Event	Deadline	Word Limit
Plaintiff's and Plaintiff-Intervenors' motions for summary judgment	July 26, 2024	10,000 each
Defendant's motion for summary judgment	July 26, 2024	10,000
Plaintiff's and Plaintiff-Intervenors' oppositions to Defendant's motion for summary judgment	August 9, 2024	5,000 each
Defendant's consolidated opposition to Plaintiff's and Plaintiff-Intervenors' motions for summary judgment	August 9, 2024	7,500
Joint appendix	August 16, 2024	N/A

Defendant's Proposal:

Defendant proposes that Plaintiff and Plaintiff-Intervenors file their motions for summary judgment by July 19, 2024; Defendant file its consolidated cross-motion for summary judgment and opposition to Plaintiff's and Plaintiff-Intervenors' motions for summary judgment by July 26, 2024; Plaintiff and Plaintiff-Intervenors file their consolidated oppositions to Defendant's motion for summary judgment and replies in support of Plaintiff's and Plaintiff-Intervenors' motions for summary judgment by August 9, 2024; and Defendant file its reply in support of its motion for summary judgment by August 16, 2024. This schedule best facilitates

the Court's consideration of the parties' motions for summary judgment by facilitating the parties' meaningful engagement with one another's arguments in consecutive briefs. It also provides the parties with the opportunity to reply contemplated by the Court's Local Rules. *See* L.R. 7.1(f). Additionally, to afford Defendant a meaningful opportunity to respond to the arguments raised by both Plaintiff and Plaintiff-Intervenors, Defendant respectfully requests that the Court adopt the same word limit for Defendant's briefs as the combined word limit for Plaintiff and Plaintiff-Intervenors' briefs.

Event	Deadline	Word Limit
Plaintiff's and Plaintiff-Intervenors' motions for summary judgment	July 19, 2024	10,000 each
Defendant's consolidated cross-motion for summary judgment and opposition to Plaintiff's and Plaintiff-Intervenors' motions for summary judgment	July 26, 2024	20,000
Plaintiff's and Plaintiff-Intervenors' consolidated oppositions to Defendant's motion for summary judgment and replies in support of Plaintiff's and Plaintiff-Intervenors' motions for summary judgment	August 9, 2024	5,000 each
Defendant's reply in support of its motion for summary judgment	August 16, 2024	10,000
Joint appendix	August 20, 2024	N/A

Although Defendant does not currently anticipate a need for fact discovery, adjustment to the briefing schedule may be warranted in the event that such need arises.

Respectfully submitted,

Dated: July 9, 2024

/s/ Allyson N. Ho

Allyson N. Ho
Texas Bar No. 24033667
Elizabeth A. Kiernan
Texas Bar No. 24105666
GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900
aho@gibsondunn.com
ekiernan@gibsondunn.com

Charles W. Fillmore
Texas Bar No. 00785861
H. Dustin Fillmore III
Texas Bar No. 06996010
THE FILLMORE LAW FIRM LLP
201 Main Street, Suite 700
Fort Worth, TX 76102
Telephone: 817.332.2351
chad@fillmorefirm.com
dusty@fillmorefirm.com

Eugene Scalia (*pro hac vice*)
Amir C. Tayrani (*pro hac vice*)
Andrew G. I. Kilberg (*pro hac vice*)
Aaron Hauptman (*pro hac vice*)
Joshua R. Zuckerman (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036
Telephone: 202.955.8500
Facsimile: 202.467.0539
escalia@gibsondunn.com
atayrani@gibsondunn.com
akilberg@gibsondunn.com
ahauptman@gibsondunn.com
jzuckerman@gibsondunn.com

Counsel for Ryan, LLC

/s/ Robert L. Sayles

Jordan L. Von Bokern (D.C. Bar No. 1032962)

Tyler S. Badgley (D.C. Bar No. 1047899)

U.S. CHAMBER LITIGATION CENTER

1615 H Street NW

Washington, D.C. 20062

Tel: (202) 463-5337

jvonbokern@uschamber.com

tbadgley@uschamber.com

Liz Dougherty (D.C. Bar No. 457352) (pro hac vice pending)

BUSINESS ROUNDTABLE

1000 Maine Avenue SW

Washington, D.C. 20024

202-872-1260

ldougherty@brt.org

Robert L. Sayles (Texas Bar No. 24049857)

Boyce Holleman (Texas Bar No. 24126727)

BRADLEY ARANT BOULT CUMMINGS LLP

1445 Ross Avenue

Suite 3600

Dallas, TX 75202

Tel: (214) 257-9800

Fax: (214) 939-8787

rsayles@bradley.com

bholleman@bradley.com

Jeffrey B. Wall (Georgia Bar No. 750427)

Judson O. Littleton (D.C. Bar No. 1027310)

SULLIVAN & CROMWELL LLP

1700 New York Avenue, N.W.

Washington, D.C. 20006-5215

Tel: (202) 956-7000

wallj@sullcrom.com

littletonj@sullcrom.com

*Counsel for Plaintiff-Intervenors
Chamber of Commerce of the United
States of America, Business
Roundtable, Texas Association of
Business, and Longview Chamber of
Commerce*

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

LESLEY R. FARBY
Assistant Branch Director

/s/ Taisa M. Goodnature
TAISA M. GOODNATURE
(New York Bar No. 5859137)
RACHAEL L. WESTMORELAND
ARJUN MODY
MADELINE M. MCMAHON
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs
Branch
1100 L Street, NW
Washington, D.C. 20005
Tel: (202) 514-3786
E-mail:
Taisa.M.Goodnature@usdoj.gov

*Counsel for Defendant Federal Trade
Commission*